

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-6919

LARRY G. HARVIN,

Petitioner - Appellant,

versus

COLIE L. RUSHTON; HENRY MCMASTER,

Respondents - Appellees.

Appeal from the United States District Court for the District of South Carolina, at Anderson. G. Ross Anderson, Jr., District Judge. (CA-03-688)

Submitted: July 9, 2004

Decided: August 10, 2004

Before WIDENER, MICHAEL, and KING, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Larry G. Harvin, Appellant Pro Se. Donald John Zelenka, Chief Deputy Attorney General, Columbia, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Larry G. Harvin seeks to appeal the district court's order denying his motion for a certificate of appealability in his action filed under 28 U.S.C. § 2254 (2000). The order is not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1) (2000). A certificate of appealability will not issue absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2) (2000). A prisoner satisfies this standard by demonstrating that reasonable jurists would find that his constitutional claims are debatable and that any dispositive procedural rulings by the district court are also debatable or wrong. See Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000); Rose v. Lee, 252 F.3d 676, 683 (4th Cir. 2001). We have independently reviewed the record and conclude that Harvin has not made the requisite showing. We have previously rejected a motion for a certificate of appealability identical to the one denied by the district court, see Harvin v. Rushton, No. 04-6303 (4th Cir. June 3, 2004) (unpublished), and that determination is now the law of the case. See United States v. Aramony, 166 F.3d 655, 661 (4th Cir. 1999) (discussing doctrine). Accordingly, we deny Harvin's motion for a certificate of appealability and dismiss this appeal. We dispense with oral argument because the facts and legal

contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED